

LEGAL SUPPLEMENT

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Fisheries and Marine Resources (Toxic Fish) Regulations 2004

GN No. 193 of 2004

THE FISHERIES AND MARINE RESOURCES ACT

Regulations made by the Minister under section 73(1) (b) of the Fisheries and Marine Resources Act

1. These regulations may be cited as the **Fisheries and Marine Resources (Toxic Fish) Regulations 2004**.

2. In these regulations -

"Act" means the Fisheries and Marine Resources Act;

"oceanic bank" means the Saya de Malha bank, Nazareth bank, Soudan bank, Cargados Carajos shoals (St Brandon) or Chagos Archipelago banks;

"territorial waters" has the same meaning as in the Maritime Zones Act.

3. (1) Subject to paragraphs (2), (3), (4) and (5), the species of fish specified in the First Schedule shall be toxic fish.

(2) The yellow tailed croissant (*Variola louti*) shall not be deemed to be toxic fish -

(a) where it has been fished on an oceanic bank and it weighs less than 3 kilogrammes when ungutted or less than 2.6 kilogrammes when gutted;

(b) where it has been fished in the territorial waters of Mauritius and it weighs less than 1.5 kilogrammes when ungutted or less than 1.3 kilogrammes when gutted.

(3) The sinsillac or vieille babonne (*Plectropomus maculatus*) shall not be deemed to be toxic fish where it has been fished on an oceanic bank and it weighs less than 3 kilogrammes when ungutted or less than 2.6 kilogrammes when gutted.

(4) The carangue shall not be deemed to be toxic fish where it has been fished in a place other than an oceanic bank.

- (5) The Bourgeois (*Lutjanus Sebae*) shall not be deemed to be toxic fish where it has been fished in the Exclusive Economic Zone of the Seychelles.
- (6) No person shall sell, expose, keep or offer for sale, fish referred to in paragraphs (2), (3) and (4) unless the fish is sold, exposed, kept or offered for sale, in whole, either gutted or ungutted.
4. (1) No person shall import Bourgeois (*Lutjanus Sebae*) fish unless he is authorised by the Permanent Secretary to do so.
- (2) Any person who wishes to import Bourgeois (*Lutjanus Sebae*) fish shall -
- (a) make an application in writing to the Permanent Secretary for his authorisation; and
- (b) furnish the Permanent Secretary with such information he may require.
- (3) On receipt of an application under paragraph (2), the Permanent Secretary may authorise the importation of the fish -
- (a) where the special conditions for the import of Bourgeois (*Lutjanus Sebae*) fish as specified in the Second Schedule are complied with; and
- (b) on such terms and conditions as he thinks fit.
5. Any authorisation issued under regulation 4(3) shall be in respect of one consignment only and shall be valid for a period of 4 months as from the date of issue.
6. Any person who contravenes these regulations shall commit an offence and shall on conviction, be liable to a fine not less than 2,000 rupees and not more than 50,000 rupees and to imprisonment for a term not exceeding 2 years.
7. The Fisheries Regulations 1983 are amended by repealing -
- (a) regulation 6; and
- (b) the Fourth Schedule.
8. These Regulations shall come into operation on 01 December 2004.

Made by the Minister on 23rd November 2004.

FIRST SCHEDULE

(regulation 3 (1))

TOXIC FISH

1. Barracuda commonly called "Tazar lichien" (*Sphyraena barracuda*)
2. Benitier (*Tridacna* spp)
3. Boule Tanguie (*Diodon hystrix*)
4. Bourgeois (*Lutjanus sebae*)
5. Carangue (*Carangidae* sp)
6. Caret or Hawk's Bill Turtle (*Eretmochelys imbricate*)
7. Chemise (*Lutjanus gibbus*)
8. Cheval de Bois (*Anyperodon leucogrammicus*)
9. Coffre (*Lactoria cornuta*)
10. Crab with red spots or Crab Onze Taches (*Carpilius maculatus*) .
11. Flat Wrasse called Bambara or Vieille Plate (*Epinephelus areolatus*)
12. Giblot (*Lutjanus monostigmus*)
13. Laffe, if alive (*Synanceja verrucosa*)
14. Large Tartar or Grosse Sardine (*Harengula ovalis*)
15. Remora or Pilot of the Shark (*Remora remora*)
16. Sea Urchin (*Echinothrix* sp)
17. Sinsillac or Vieille Babonne (*Plectropomus maculatus*)
18. Vara-vara (*Lutjanus bohar*)
19. Vieille Loutre or Otter Wrasse (*Epinephelus fuscoguttatus*)
20. Wrasse, called Crabe Noir, Vieille Cuisinier (*Cephalopholis argus*)
21. Yellow-tailed Croissant (*Variola louti*)

SECOND SCHEDULE

(regulation 4(3))

SPECIAL CONDITIONS FOR THE IMPORT OF BOURGEOIS FISH (*Lutjanus sebae*) FROM SEYCHELLES

1. The consignment shall be accompanied by the original official Veterinary/Health certificate from the country of origin stating -
 - (a) the scientific name and common name of the fish;

- (b) the date of issue and number of the authorization, the name of the importer, the name of the vessel/carrier and the net weight being shipped;
- (c) that the fish has been handled, prepared, processed, packed and stored in an establishment approved for export (Approval number of the establishment to be mentioned);
- (d) (i) that representative sample of the fish have been subjected to bacteriological analysis in an approved laboratory and the result obtained is within the following norms -
 - (A) faecal coliforms less than 1 per gram;
 - (B) anaerobes less than 2 per gram;
 - (C) *staphylococcus aureus* in sea food except frozen fish-nil;
 - (D) *staphylococcus aureus* in frozen fish less than 100 per gram;
 - (E) total viable count at 30°C, less than 10⁶ per gram;
 - (F) absence of Salmonella and Vibrio organisms in 25 grams;
- (ii) that the total volatile base (TVB) does not exceed 150 milligrammes calculated in milligramme N per 100 grammes of moisture-free fish.
- (e) that the fish have undergone organoleptic check and is found to be of good quality;
- (f) that the fish is free from parasites and viruses capable of causing infection to animals or man;
- (g) that the fish does not contain bio-toxins hazardous to human health;
- (h) that the fish was caught and handled under hygienic conditions throughout the handling operation;
- (i) that the fish is fit for human consumption.

2. The competent authority of the Seychelles shall certify that the fish were caught in the Exclusive Economic Zone of Seychelles.

3. All chilled or frozen fish shall be gutted.

4. Chilled fish shall be maintained at a temperature of between 0°C and 2°C at all times.
5. Chilled fish shall be kept in layers of flaked ice throughout the storage period.
6. The time from fish capture to landing at the port in Mauritius shall not exceed 7 days.
7. Chilled fish shall be transported in isothermic vehicles and shall not be exposed to contaminated material during transportation.
8. Frozen fish shall be maintained at a temperature of minus 18°C or below.
9. Frozen fish shall be packed individually and labelled to indicate the common name, scientific name, weight, storage temperature, date of production, expiry date, name of establishment, batch number, name of importer, country of origin and the official seal of Seychelles Fishing Authority and shall provide codes for traceability of the product.
10. Frozen fish shall be imported in refrigerated containers.
11. Frozen fish shall be transported in refrigerated vehicles and shall not be exposed to contaminated material during transportation.
12. Frozen and chilled fish fillet shall be packed and labelled as at condition (9) above and shall be presented with the skin on.
13. Only the fish listed in the authorisation issued by the Permanent Secretary shall be imported.
14. The fish shall be offered for sale only to hotels found in Mauritius.
15. The importer or his agent shall submit a list of hotels involved in the purchase of the fish.
16. The importer or his agent shall provide the Ministry an accounting statement showing proof of the purchase by the hotels.
17. The Permanent Secretary shall be informed at least 3 days in advance of the date and time of arrival of any consignment to enable clearance at the ports of disembarkation.